

Customer No. 24023

## DECLARATION AND POWER OF ATTORNEY FOR A PATENT APPLICATION

As below named inventors, we hereby declare that:

Our residence, post office addresses and citizenship are as stated below next to our names.

We believe that we are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled

# SYSTEM AND METHOD FOR DIAGNOSTIC SUPERVISION OF INTERNET TRANSMISSIONS WITH QUALITY OF SERVICE CONTROL

the specification of which is attached hereto.

We hereby state that we have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment specifically referred to above.

We acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56.

We hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certification, or § 365(a) of any PCT International application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate or PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Not Claimed

(Number)

(Country)

(Day/Month/Year Filed)

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We hereby claim the benefit under 35 U.S.C. §119(e) of the United States provisional application(s) listed below:

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
(Filing Date)

We hereby claim the benefit under 35 U.S.C. §120 of the United States application(s), or §365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. §112, we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to us to be material to patentability as defined in Title 37, C.F.R. §1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

9/393,659  
(Application Serial No.)

September 10, 1999  
(Filing Date)

Pending  
(Status)  
(patented,pending,abandoned)

We hereby state that we do not know and do not believe that the invention was ever known or used in the United States of America before our invention thereof; that to the best of our knowledge and belief the invention has not been in public use or on sale in the United States of America more than one year prior to this application or patented or described in any printed publication in any country before our invention thereof or more than one year prior to this application, or patented or made the subject of an inventor's certificate issued before the date of

this application in any country foreign to the United States of America on an application filed by us or our legal representatives or assigns more than twelve months prior to this application; and that no application for patent or inventor's certificate on this invention has been filed in any country foreign to the United States of America prior to this application by us or our legal representatives or assigns.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

We hereby appoint J. Michael Martinez de Andino, Reg. No. 37,178, a member of the bars of the States of Virginia, Missouri and Kansas; Mark A. Taylor, Reg. No. 35,706, member of the bars of North Carolina and Virginia; Philip D. Lane, Reg. No. 41,140, member of the bar of Virginia; David E. Baker, Reg. No. 42,285, member of the bar of Virginia; James R. Miner, Reg. No. 40,444, member of the bars of the District of Columbia and Virginia, and Nancy J. Jensen, Reg. No. 45,913, member of the bar of Virginia, all of the firm of McGuire, Woods, Battle & Boothe LLP having a postal address of One James Center, 901 East Cary Street, Richmond, Virginia 23219-4030, telephone (804) 775-1000 to prosecute this application, to make alterations and amendments therein, to receive the patent, and to transact all business in the Patent Office connected therewith.

**Please send all correspondence to:**

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Date: 9/1/2000



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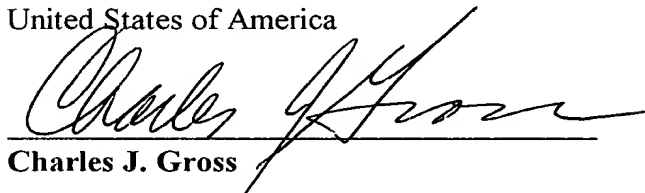
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